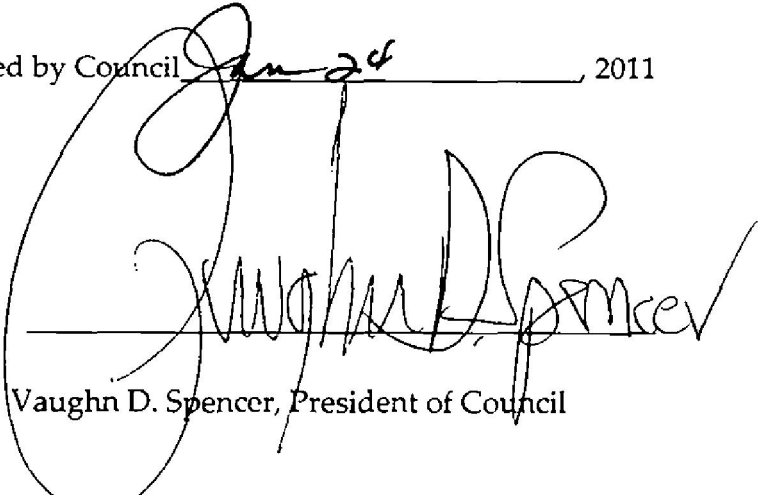


RESOLUTION NO. 13 2011

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES
AS FOLLOWS:


Upholding and affirming the termination of Officer Ronald Miko,
#602, as attached in the Findings of Fact and Conclusion of Law.

Adopted by Council Jan 24, 2011


Vaughn D. Spencer, President of Council

Attest:


Linda A. Kelleher CMC, City Clerk

I, LINDA A. KELLEHER, City Clerk of the City
of Reading, Pa., do hereby certify, that the fore-
going is a true and correct copy of the original
passed by the Council of the City of
Reading, on the 24 day of Jan
A. D. 20 11. Witness my hand and seal of the
said City this 25 day of Jan, A. D. 20 11.

CITY CLERK

**Termination Appeal Hearing
Officer Ronald Miko #602**

IN THE MATTER OF	§	BEFORE THE
	§	
THE APPEAL OF THE	§	CITY OF READING
TERMINATION	§	
	§	
FOR OFFICER RONALD	§	CITY COUNCIL
MIKO, #602	§	
	§	

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
ORDER, AND AGREED RESOLUTION**

On Thursday, January 6 and Thursday, January 13, 2011 at 4:30 p.m. City Council held hearings in Council Chambers to hear the appeal of the termination of Officer Ronald Miko, #602. At the hearing, testimony from the Reading Police Department, represented by City Attorney Tonya Butler, and Officer Miko, represented by FOP Attorney Christina Fisher was presented.

Findings of Fact

1. At the hearing Members of Council heard testimony from the Chief of Police, the Deputy Chief of Police, several Reading Police Officers and two County Detectives about the off-duty and on-duty activities of Officer Miko.
2. The Chief of Police outlined the due process used prior to Officer Miko's termination
3. The Chief of Police stated that the Reading Police Department has a General Orders Policy and Procedure manual, which is a comprehensive document promulgated by the Police Chief and Mayor that provides guidance and direction to the Reading Police Officers about their duties and responsibilities as Reading Police Officers, both on and off-duty.
4. The Chief of Police stated that Officer Miko displayed on-duty and off-duty behavior and activities that are in violation of the Department's General Orders Section #0408, Disciplinary System & Schedule, and Part IV as follows:
 - Section IV (A) (1) Conduct – *Violation of Rules*, which states, "Officers shall neither commit any acts nor omit any acts which

constitute a violation of the rules, regulations, directives, orders, or policies of the Department."

- Section IV (A) (3) Conduct - *Unbecoming Conduct*, which states, "Officers shall conduct themselves at all times, both on and off duty, in such a manner as to reflect favorably on the Department. Conduct unbecoming an officer shall include that which tends to bring the Department into disrepute or brings discredit upon the officer or the department and which affects the efficiency of the Department or the Officer."

Section IV (A)(6) Conduct - *Associations*, which states, "Officers shall neither associate with, be employed by, nor conduct business with persons who they know, or should know, are racketeers, sexual offenders, gamblers, suspected felons, persons under criminal investigation or indictment, or who have a reputation in the community for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties or where unavoidable because the individual is a relative of the officer."

- Section IV (C)(5) Insubordination - *False Testimony*, which states, "Officers shall not give false testimony in criminal or administrative investigations."
- Section IV (A)(5) Visiting Prohibited Establishments, which states, "Officers shall neither knowingly visit, enter, nor frequent a house of prostitution, gambling house, nor establishment wherein the laws of the United States, the State, nor the local jurisdiction are regularly violated, except in the performance of duty or while acting under proper and specific orders from a superior officer."
- Section IV (A)(15) Use of Force, which states, "Officers shall not use more force in any situation than is reasonably necessary under the circumstances."

5. The Chief of Police and all witnesses presenting testimony at the hearing gave clear concise statements about their observations of Officer Miko violating the sections listed herein.

Conclusions of Law

After considering all testimony at the hearings held on Thursday, January 6 and Thursday, January 13, 2011, the City of Reading City Council has determined that Officer Ronald Miko was in violation of the General Orders as set forth herein.

Order and Agreed Resolution

The City of Reading City Council hereby upholds and affirms the termination of Officer Ronald Miko, #602 as set forth herein.

Right to Appeal

If you disagree with the decision of City Council you may file an appeal with the Court of Common Pleas of Berks County within 30 days after notice of the decision has been made or proceed under the grievance procedure set forth in the 2007 to 2011 Collective Bargaining Agreement between the City of Reading and the Fraternal Order of Police, Lodge #9 within the time restraints therein under Article VI Section 2.

YOU MUST ELECT WHICH APPEAL PROCEDURE TO PURSUE. YOU MAY NOT APPEAL BOTH IN THE GRIEVANCE PROCEDURE AND UNDER THE PROVISIONS OF THE THIRD CLASS CITY CODE AND THE LOCAL AGENCY LAW.